

Notice of Allowability

Application No.

09/916,611

Examiner

Alton N. Pryor

Applicant(s)

VOLGAS ET AL.

Art Unit

1616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to interview summary.
2. ☐ The allowed claim(s) is/are 1,3--18,20-28,30-39,41-48,50--65,67-72,82-91 (claims renumbered 1-76 respectively).
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Pezzner on 9/03/04.

The application has been amended as follows:

Replace all claims on record with the following claims:

1. (Currently amended) A herbicide composition ~~comprising~~ **consisting essentially of components:**

(a) at least one chlorinated carboxylic acid herbicide in the acid ~~form~~ and **form**,

(b) at least one surfactant in an effective amount such that said chlorinated carboxylic acid herbicide is dissolved in the surfactant **and**

optionally (c) an ester of (2,4-dichlorophenoxy)acetic acid,

and said at least one surfactant **component (b)** is present in a quantity equal to or greater than said at least one chlorinated carboxylic acid herbicide

component (a).

Claim 2 cancelled

3. (Currently amended) The herbicide composition as claimed in claim 1, ~~which further comprises~~ **wherein** at most 25% by weight of an ester of (2,4-dichlorophenoxy)acetic acid **is present**.

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4. (Currently amended) The herbicide composition as claimed in ~~claim 2~~ claim 1, which ~~further comprises~~ wherein at most about 15% by weight of an ester of (2,4-dichlorophenoxy)acetic acid is present.
5. (Currently amended) The herbicide composition as claimed in claim 1, which ~~further comprises~~ wherein at most about 10% by weight of an ester of (2,4-dichlorophenoxy)acetic acid is present.
6. (Currently amended) The herbicide composition as claimed in ~~claim 2~~ claim 1, which ~~further comprises~~ wherein at most about 5% by weight of an ester of (2,4-dichlorophenoxy)acetic acid is present.
7. (Currently amended) The herbicide composition as claimed in claim 1, which ~~further comprises~~ wherein at most about 2% by weight of an ester of (2,4-dichlorophenoxy)acetic acid is present.
8. (Original) The herbicide composition as claimed in claim 1, wherein said surfactant is present in an amount of at least about 10% by weight.
9. (Currently amended) The herbicide composition as claimed in ~~claim 2~~ claim 1, wherein said surfactant is present in an amount of at least about 20% by weight.
10. (Original) The herbicide composition as claimed in claim 3, wherein said surfactant is present in an amount of at least about 30% by weight.
11. (Original) The herbicide composition as claimed in claim 4, wherein said surfactant is present in an amount of at least about 40% by weight.
12. (Original) The herbicide composition as claimed in claim 1, wherein said surfactant is present in an amount of at least about 50% by weight.

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13. (Original) The herbicide composition as claimed in claim 3, wherein said surfactant is present in an amount of at least 50% by weight.
14. (Original) The herbicide composition as claimed in claim 4, wherein said surfactant is present in an amount of at least 50% by weight.
15. (Original) The herbicide composition as claimed in claim 5, wherein said surfactant is present in an amount of at least 50% by weight.
16. (Original) The herbicide composition as claimed in claim 6, wherein said surfactant is present in an amount of at least 50% by weight.
17. (Original) The herbicide composition as claimed in claim 7, wherein said surfactant is present in an amount of at least 50% by weight.
18. (Original) The herbicide composition as claimed in claim 1, wherein said surfactant is present in an amount from about 50 to about 90% by weight.
- 19 cancelled
20. (Original) The herbicide composition as claimed in claim 3, wherein said surfactant is present in an amount from about 50 to about 90% by weight.
21. (Original) The herbicide composition as claimed in claim 6, wherein said surfactant is present in an amount from about 50 to about 90% by weight.
22. (Original) The herbicide composition as claimed in claim 1, wherein said surfactant is present in an amount from about 70 to about 80% by weight.
23. (Original) The herbicide composition as claimed in claim 3, wherein said surfactant is present in an amount from about 70 to about 80% by weight.

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24. (Original) The herbicide composition as claimed in claim 4, wherein said surfactant is present in an amount from about 70 to about 80% by weight.
25. (Original) The herbicide composition as claimed in claim 5, wherein said surfactant is present in an amount from about 70 to about 80% by weight.
26. (Original) The herbicide composition as claimed in claim 6, wherein said surfactant is present in an amount from about 70 to about 80% by weight.
27. (Original) The herbicide composition as claimed in claim 7, wherein said surfactant is present in an amount from about 70 to about 80% by weight.
28. (Original) The herbicide composition as claimed in claim 1, wherein said chlorinated carboxylic acid herbicide is present in an amount from about 1 to about 50% by weight.
29. cancelled
30. (Original) The herbicide composition as claimed in claim 3, wherein said chlorinated carboxylic acid herbicide is present in an amount from about 1 to about 50% by weight.
31. (Original) The herbicide composition as claimed in claim 5, wherein said chlorinated carboxylic acid herbicide is present in an amount from about 1 to about 50% by weight.
32. (Original) The herbicide composition as claimed in claim 7, wherein said chlorinated carboxylic acid herbicide is present in an amount from about 1 to about 50% by weight.

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33. (Original) The herbicide composition as claimed in claim 18, wherein said chlorinated carboxylic acid herbicide is present in an amount from about 1 to about 50% by weight.
34. (Original) The herbicide composition as claimed in claim 21, wherein said chlorinated carboxylic acid herbicide is present in an amount from about 1 to about 50% by weight.
35. (Original) The herbicide composition as claimed in claim 22, wherein said chlorinated carboxylic acid herbicide is present in an amount from about 1 to about 50% by weight.
36. (Original) The herbicide composition as claimed in claim 26, wherein said chlorinated carboxylic acid herbicide is present in an amount from about 1 to about 50% by weight.
37. (Original) The herbicide composition as claimed in claim 1, wherein said chlorinated carboxylic acid herbicide is present in an amount from about 5 to about 30% by weight.
38. (previously presented) The herbicide composition as claimed in claim 4, wherein said chlorinated carboxylic acid herbicide is present in an amount from about 5 to about 30% by weight.
39. (previously presented) The herbicide composition as claimed in claim 7, wherein said chlorinated carboxylic acid herbicide is present in an amount from about 5 to about 30% by weight.
40. cancelled

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41. (Original) The herbicide composition as claimed in claim 3, wherein said chlorinated carboxylic acid herbicide is present in an amount from about 5 to about 30% by weight.
42. (Original) The herbicide composition as claimed in claim 5, wherein said chlorinated carboxylic acid herbicide is present in an amount from about 5 to about 30% by weight.
43. (Original) The herbicide composition as claimed in claim 17, wherein said chlorinated carboxylic acid herbicide is present in an amount from about 5 to about 30% by weight.
44. (currently amended) The herbicide composition as claimed in ~~claim 19~~ **claim 18**, wherein said chlorinated carboxylic acid herbicide is present in an amount from about 5 to about 30% by weight.
45. (Original) The herbicide composition as claimed in claim 21, wherein said chlorinated carboxylic acid herbicide is present in an amount from about 5 to about 30% by weight.
46. (Original) The herbicide composition as claimed in claim 22, wherein said chlorinated carboxylic acid herbicide is present in an amount from about 5 to about 30% by weight.
47. (Original) The herbicide composition as claimed in claim 26, wherein said chlorinated carboxylic acid herbicide is present in an amount from about 5 to about 30% by weight.

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48. (Original) The herbicide composition as claimed in claim 1, wherein said chlorinated carboxylic acid herbicide is present in an amount from about 10 to about 20% by weight.
49. cancelled
50. (Original) The herbicide composition as claimed in claim 3, wherein said chlorinated carboxylic acid herbicide is present in an amount from about 10 to about 20% by weight.
51. (Original) The herbicide composition as claimed in claim 5, wherein said chlorinated carboxylic acid herbicide is present in an amount from about 10 to about 20% by weight.
52. (Original) The herbicide composition as claimed in claim 7, wherein said chlorinated carboxylic acid herbicide is present in an amount from about 10 to about 20% by weight.
53. (Currently amended) The herbicide composition as claimed in claim 18, wherein said chlorinated ~~chlorinate-d~~ carboxylic acid herbicide is present in an amount from about 10 to about 20% by weight.
54. (Original) The herbicide composition as claimed in claim 21, wherein said chlorinated carboxylic acid herbicide is present in an amount from about 10 to about 20% by weight.
55. (Original) The herbicide composition as claimed in claim 22, wherein said chlorinated carboxylic acid herbicide is present in an amount from about 10 to about 20% by weight.

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56. (Original) The herbicide composition as claimed in claim 27, wherein said chlorinated carboxylic acid herbicide is present in an amount from about 10 to about 20% by weight.
57. (Currently amended) The herbicide composition as claimed in claim 1, **wherein an aromatic solvent is present in an amount of** ~~which further comprises at most 50% by weight of an aromatic solvent.~~
58. (Currently amended) The herbicide composition as claimed in claim 1, **wherein an aromatic solvent is present in an amount of** ~~which further comprises at most 40% by weight of an aromatic solvent.~~
59. (Currently amended) The herbicide composition as claimed in claim 1, **wherein an aromatic solvent is present in an amount of** ~~which further comprises at most 30% by weight of an aromatic solvent.~~
60. (Currently amended) The herbicide composition as claimed in ~~claim 2~~ **claim 1 wherein an aromatic solvent is present in an amount of** ~~which further comprises at most 20% by weight of an aromatic solvent.~~
61. (Currently amended) The herbicide composition as claimed in claim 1, **wherein an aromatic solvent is present in an amount of** ~~which further comprises at most 15% by weight of an aromatic solvent.~~
62. (Currently amended) The herbicide composition as claimed in claim 1, **wherein an aromatic solvent is present in an amount of** ~~which further comprises at most 10% by weight of an aromatic solvent.~~

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63. (Currently amended) The herbicide composition as claimed in claim 1, wherein an aromatic solvent is present in an amount of ~~which further comprises at most 5% by weight of an aromatic solvent.~~
64. (Currently amended) The herbicide composition as claimed in claim 1, ~~which further comprises~~ wherein the composition has at most about 10% by weight of an ester of (2,4-dichlorophenoxy)acetic acid and said chlorinated carboxylic acid herbicide is present in an amount from about 10 to about 20% by weight, and said surfactant is present in an amount from about 70 to about 80% by weight.
65. (Currently amended) The herbicide composition as claimed in claim 64, ~~which further comprises~~ wherein a solvent is present ~~at most 50% by weight of a solvent.~~
66. cancelled
67. (Original) The herbicide as claimed in claim 1, wherein said chlorinated carboxylic acid herbicide is a synthetic auxin or a quinoline carboxylic acid.
68. (Currently amended) The herbicide as claimed in ~~claim 3~~ claim 1, wherein said chlorinated carboxylic acid herbicide is a benzoic acid, phenoxy-carboxylic acid or pyridine carboxylic acid.
69. (Original) The herbicide as claimed in claim 1, wherein said chlorinated carboxylic acid herbicide is
Chloramben, dicamba, 2,4,5-trichlorophenoxy acetic acid, 2,4-dichlorophenoxy acetic acid, 2,4-dichlorophenoxy butyric acid,

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clomeprop, dichlorprop, dichlorprop-P, monochlorophenoxy acetic acid, monochlorophenoxy butyric acid, mecoprop, mecoprop-P, clopyralid, fluroxypyr, picloram, triclopyr, quinclorac or quinmerac.

70. (Currently amended) The herbicide as claimed in ~~claim 2~~ **claim 3**, wherein said chlorinated carboxylic acid herbicide is a synthetic auxin or a quinoline carboxylic acid.

71. (Currently amended) The herbicide as claimed in ~~claim 4~~ **claim 3**, wherein said chlorinated carboxylic acid herbicide is a benzoic acid, phenoxy-carboxylic acid or pyridine carboxylic acid.

72. (Currently amended) The herbicide as claimed in ~~claim 2~~ **claim 3**, wherein said chlorinated carboxylic acid herbicide is
Chloramben, dicamba, 2,4,5-trichlorophenoxy acetic acid, 2,4-dichlorophenoxy acetic acid, 2,4-dichlorophenoxy butyric acid, clomeprop, dichlorprop, dichlorprop-P, monochlorophenoxy acetic acid, monochlorophenoxy butyric acid, mecoprop, mecoprop-P, clopyralid, fluroxypyr, picloram, triclopyr, quinclorac or quinmerac.

73-81 cancelled

82. (Currently amended) The herbicide as claimed in claim 1, ~~which further comprises~~
wherein at least one additional component is present and is at least one of
~~the following additional components~~ selected from the group consisting of
Methylated fatty acids,
Ethylated fatty acids,

Butylated fatty acids,
Alkylated soybean oil,
Alkylated canola oil,
Alkylated coconut oil,
Alkylated sunflower oil,
Mineral oils,
Vegetable oils,
Fatty acids,
Polybutenes and
Epoxified seed oils.

83. (Currently amended) The herbicide as claimed in claim 1, ~~which further comprises~~
wherein at least one additional component is present and is ~~at least one of~~

~~the following additional components selected from the group consisting of~~

Methylated C6-C19 fatty acids,
Methylated Tall oil fatty acids,
Methylated Oleic acid,
Methylated Linoleic acid,
Methylated Linolenic acid,
Methylated Stearic acid,
Methylated Palmitic acid,
Ethylated C6-C19 fatty acids,
Ethylated Tall oil fatty acids,

Ethylated Oleic acid,
Ethylated Linoleic acid,
Ethylated Linolenic acid,
Ethylated Stearic acid,
Ethylated Palmitic acid,
Butylated C6-C19 fatty acids,
Butylated Tall oil fatty acids,
Butylated Oleic acid,
Butylated Linoleic acid
Butylated Linolenic acid,
Butylated Stearic acid,
Butylated Palmitic acid,
Methylated soybean oil,
Ethylated soybean oil,
Butylated soybean oil,
Methylated canola oil, -
Ethylated canola oil,
Butylated canola oil,
Methylated coconut oil,
Ethylated coconut oil,
Butylated coconut oil,
Methylated sunflower oil,

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Ethylated sunflower oil,
Butylated sunflower oil,
Paraffinic mineral oils,
Naphthenic mineral oils,
Aromatic mineral oils,
Soybean oil,
Canola oil,
Cottonseed oil,
C6-C19 fatty acids,
Tall oil fatty acids,
Oleic acid,
Linoleic acid,
Linolenic acid,
Stearic acid,
Palmitic acid and
Epoxified soybean oil.

84. (Currently amended) The herbicide as claimed in ~~claim 2, which further comprises~~
claim 3, wherein at least one additional component is present and is at least
~~one of the following additional components~~ selected from the group consisting of
Methylated fatty acids,
Ethylated fatty acids,
Butylated fatty acids,

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Alkylated soybean oil,

Alkylated canola oil,

Alkylated coconut oil,

Alkylated sunflower oil,

Mineral oils,

Vegetable oils,

Fatty acids,

Polybutenes and

Epoxified seed oils.

85. (Currently amended) The herbicide as claimed in ~~claim 2~~**claim 3**, which further comprises **wherein at least one additional component is present and is at least one of the following additional components selected from the group consisting of**

Methylated C6-C19 fatty acids,

Methylated Tall oil fatty acids,

Methylated Oleic acid,

Methylated Linoleic acid,

Methylated Linolenic acid,

Methylated Stearic acid,

Methylated Palmitic acid,

Ethylated C6-C19 fatty acids,

Ethylated Tall oil fatty acids,

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Ethylated Oleic acid,

Ethylated Linoleic acid,

Ethylated Linolenic acid,

Ethylated Stearic acid,

Ethylated Palmitic acid,

Butylated C6-C19 fatty acids,

Butylated Tall oil fatty acids,

Butylated Oleic acid,

Butylated Linoleic acid

Butylated Linolenic acid,

Butylated Stearic acid,

Butylated Palmitic acid,

Methylated soybean oil,

Ethylated soybean oil,

Butylated soybean oil,

Methylated canola oil,

Ethylated canola oil,

Butylated canola oil,

Methylated coconut oil,

Ethylated coconut oil,

Butylated coconut oil,

Methylated sunflower oil,

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Ethylated sunflower oil,

Butylated sunflower oil,

Paraffinic mineral oils,

Naphthenic mineral oils,

Aromatic mineral oils,

Soybean oil,

Canola oil,

Cottonseed oil,

C6-C19 fatty acids,

Tall oil fatty acids,

Oleic acid,

Linoleic acid,

Linolenic acid,

Stearic acid,

Palmitic acid and

Epoxified soybean oil.

86. (Currently amended) The herbicide as claimed in claim 1, wherein the at least one surfactant is selected from the group consisting of

Alcohol alkoxylate,

Alcohol alkoxylate sulfate,

Alkylphenol alkoxylate,

Alkanolamide,

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Alkylaryl sulfonate,

Amine oxide,

Amine,

Betaines ~~Betaine derivative,~~

Block polymers of ethylene and propylene glycol,

Carboxylated alcohol or alkylphenol alkoxylate,

Diol,

Diphenyl **sulfonates** ~~sulfonate derivative,~~

Ether,

Ethoxylated amine,

Ethoxylated fatty acid,

Ethoxylated fatty ester and oils,

Ethylene carbonate,

Fatty ester,

Glycerol ester,

Glycol,

Phosphate ester surfactant,

Propylene Carbonate,

Sarcosines ~~Sarcosine derivative,~~

Silicone-based surfactant,

Sorbitans ~~Sorbitan derivative,~~

Sucroses ~~Sucrose derivative,~~

Glucoses ~~glucose derivative~~,

Sulfate of alkoxylated alkylphenol ,

sulfonate of alkoxylated alkylphenol,

Sulfate of alcohol and

Tristyrylphenol Alkoxylate.

87. (Currently amended) The herbicide as claimed in claim 1, wherein the at least one surfactant is selected from the group consisting of

- A) Alcohol alkoxylates based on branched and linear alcohols containing ethylene oxide or propylene oxide
- B) Alcohol alkoxylate sulfates,
- C) Nonylphenol alkoxylate containing ethylene oxide,
- D) Nonylphenol alkoxylate containing propylene oxide,
- E) Octylphenols alkoxylate containing ethylene oxide
- F) Octylphenols alkoxylate containing propylene oxide,
- G) Fatty amine alkoxylates,
- H) Butanediols,
- I) Butyl cellulose **cellulose** ether,
- J) Butyl carbitol,
- K) Propylene glycol,
- L) Ethylene glycol,
- M) Dipropylene glycol,
- N) Diethylene glycol,

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- O) Phosphate esters of alcohol alkoxylates,
- P) Phosphate esters of alkylphenol alkoxylates,
- Q) Sorbitan esters,
- R) Alkoxylated sorbitan esters and
- S) Alkylpolyglucosides,

88. (Currently amended) The herbicide as claimed in ~~claim 2~~claim 3, wherein the at

least one surfactant is selected from the group consisting of

Alcohol alkoxylate,

Alcohol alkoxylate sulfate,

Alkylphenol alkoxylate,

Alkanolamide,

Alkylaryl sulfonate,

Amine oxide,

Amine,

Betaines ~~Betaine derivative~~,

Block polymers of ethylene and propylene glycol,

Carboxylated alcohol or alkylphenol alkoxylate,

Diol,

Diphenyl **sulfonates** sulfonate derivative,

Ether,

Ethoxylated amine,

Ethoxylated fatty acid,

Ethoxylated fatty ester and oils,

Ethylene carbonate,

Fatty ester,

Glycerol ester,

Glycol,

Phosphate ester surfactant,

Propylene Carbonate,

Sarcosines ~~Sarcosine derivative,~~

Silicone-based surfactant,

Sorbitans ~~Sorbitan derivative,~~

Sucroses ~~Sucrose derivative,~~

Glucoses ~~glucose derivative,~~

Sulfate of alkoxylated alkylphenol ,

sulfonate of alkoxylated alkylphenol,

Sulfate of alcohol and

Tristyrylphenol Alkoxylate.

89. (Currently amended) The herbicide as claimed in ~~claim 2~~ **claim 3**, wherein the at

least one surfactant is selected from the group consisting of

- A) Alcohol alkoxylates based on branched and linear alcohols containing ethylene oxide or propylene oxide
- B) Alcohol alkoxylate sulfates,
- C) Nonylphenol alkoxylate containing ethylene oxide,

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- D) Nonylphenol alkoxylate containing propylene oxide,
- E) Octylphenols alkoxylate containing ethylene oxide,
- F) Octylphenols alkoxylate containing propylene oxide,
- G) Fatty amine alkoxylates,
- H) Butanediols,
- I) Butyl cellulose cellulose ether,
- J) Butyl carbitol,
- K) Propylene glycol,
- L) Ethylene glycol,
- M) Dipropylene glycol,
- N) Diethylene glycol,
- O) Phosphate esters of alcohol alkoxylates,
- P) Phosphate esters of alkylphenol alkoxylates,
- Q) Sorbitan esters,
- R) Alkoxylated sorbitan esters and
- S) Alkylpolyglucosides.

90. (Original) The herbicide as claimed in claim 68, wherein the at least one surfactant is selected from the group consisting of
- Alcohol alkoxylate,
 - Alcohol alkoxylate sulfate,
 - Alkylphenol alkoxylate,
 - Alkanolamide,

Alkylaryl sulfonate,

Amine oxide,

Amine,

Betaines ~~Betaine derivative,~~

Block polymers of ethylene and propylene glycol,

Carboxylated alcohol or alkylphenol alkoxylate,

Diol,

Diphenyl **sulfonates** ~~sulfonate derivative,~~

Ether,

Ethoxylated amine,

Ethoxylated fatty acid,

Ethoxylated fatty ester and oils,

Ethylene carbonate,

Fatty ester,

Glycerol ester,

Glycol,

Phosphate ester surfactant,

Propylene Carbonate,

Sarcosines ~~Sarcosine derivative,~~

Silicone-based surfactant,

Sorbitans ~~Sorbitan derivative,~~

Sucroses ~~Sucrose derivative,~~

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Glucoses glucose derivative,

Sulfate of alkoxylated alkylphenol ,

sulfonate of alkoxylated alkylphenol,

Sulfate of alcohol and

Tristyrylphenol Alkoxylate.

91. (Currently amended) The herbicide as claimed in claim 71, wherein the at least one surfactant is selected from the group consisting of

- A) Alcohol alkoxylates based on branched and linear alcohols containing ethylene oxide or propylene oxide
- B) Alcohol alkoxylate sulfates,
- C) Nonylphenol alkoxylate containing ethylene oxide,
- D) Nonylphenol alkoxylate containing propylene oxide,
- E) Octylphenols alkoxylate containing ethylene oxide
- F) Octylphenols alkoxylate containing propylene oxide,
- G) Fatty amine alkoxylates,
- H) Butanediols,
- I) Butyl ~~cellulose~~ **cellulose** ether,
- J) Butyl carbitol,
- K) Propylene glycol,
- L) Ethylene glycol,
- M) Dipropylene glycol,
- N) Diethylene glycol,

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- O) Phosphate esters of alcohol alkoxylates,
- P) Phosphate esters of alkylphenol alkoxylates,
- Q) Sorbitan esters,
- R) Alkoxylated sorbitan esters and
- S) Alkylpolyglucosides.

The following is an examiner's statement of reasons for allowance: The prior art does not teach or suggest instant invention consisting essentially of chlorinated carboxylic acid herbicide and surfactant(s). Attorney affirms that additional compounds recited in claims 82-85 are surfactants / solvents rather than actives which would materially affected or change the instant invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

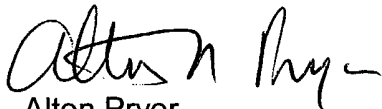
Telephonic Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alton N. Pryor whose telephone number is 571-272-0621. The examiner can normally be reached on 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz can be reached on 571-272-0887. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Alton Pryor", with a stylized flourish at the end.

Alton Pryor
Primary Examiner
AU 1616